

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

**IN RE LOESTRIN 24 FE ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:**

*Walgreen Co., The Kroger Co., Safeway Inc.,  
HEB Grocery Co. L.P. and Albertson's LLC v.  
Warner Chilcott Public Limited Company,  
Warner Chilcott Company, Inc., Warner  
Chilcott Company, LLC, Warner Chilcott (US),  
LLC, Warner Chilcott Laboratories Ireland  
Limited, Warner Chilcott Holdings Company  
III, Ltd., Warner Chilcott Corporation, Warner  
Chilcott Sales (US) LLC, Actavis, Inc., Watson  
Pharmaceuticals, Inc., Watson Laboratories,  
Inc., Lupin Ltd., and Lupin Inc., Civ. A. No. 14-  
cv-00102-S-PAS (D.R.I.)*

Civ. A. No. 1:13-md-2472-S

**STIPULATION AND [PROPOSED] ORDER**

Plaintiffs Walgreen Co., The Kroger Co., Safeway Inc., HEB Grocery Company L.P., and Albertson's LLC (collectively, "Plaintiffs"), and Defendants Warner Chilcott Public Limited Company, Warner Chilcott Company, Inc., Warner Chilcott Company, LLC, Warner Chilcott (US), LLC, Warner Chilcott Laboratories Ireland Limited, Warner Chilcott Holdings Company III, Ltd., Warner Chilcott Corporation, Warner Chilcott Sales (US), LLC, Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., and Watson Laboratories, Inc. (collectively, the "Actavis Defendants"), hereby jointly submit this Stipulation regarding the Actavis Defendants' time to respond to the Complaint.

WHEREAS, Plaintiffs filed a Complaint and Demand for Jury Trial in this matter ("Complaint") on February 25, 2014, against the Actavis Defendants, Lupin Ltd., and Lupin Inc.,

challenging allegedly anticompetitive agreements to delay generic competition to Loestrin 24, an oral contraceptive;

WHEREAS, the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to 28 U.S.C. § 1407, on October 2, 2013, transferred and consolidated actions containing common questions of law or fact to the allegations and claims in this action (“Related Actions”) which are now pending before this Court in *In re Loestrin 24 Fe Antitrust Litigation*, Civ. A. No. 1:13-md-02472-S-PAS;

WHEREAS, on December 6, 2013, the plaintiffs in the Related Actions filed consolidated amended complaints on behalf of direct purchasers of Loestrin 24 (ECF No. 39) and indirect purchasers of Loestrin 24 (ECF No. 40) (together, the “Consolidated Amended Complaints”);

WHEREAS, on February 7, 2014, the Actavis Defendants moved to dismiss the Consolidated Amended Complaints (ECF Nos. 74 and 76) (“Motions to Dismiss”);

WHEREAS, as of April 23, 2014, the Actavis Defendants’ Motions to Dismiss have been fully briefed to the Court;

WHEREAS, the Actavis Defendants have not yet filed any motion, answer or other response to Plaintiffs’ Complaint in this action, and no such response has yet come due; and

WHEREAS, for purposes of efficiency and to avoid unnecessary multiple filings, Plaintiffs and the Actavis Defendants propose extending the Actavis Defendants’ time to respond to the Complaint in this action pending decisions by the Court on the Actavis Defendants’ Motion to Dismiss the Consolidated Amended Complaints.

**IT IS HEREBY STIPULATED AND AGREED THAT:**

1. Plaintiffs and the Actavis Defendants stipulate and agree that the time for the Actavis Defendants to move, answer or otherwise respond to Plaintiffs' Complaint is extended until forty-five (45) days after the Court has resolved all issues in the pending Motions to Dismiss.
2. If the Actavis Defendants file a motion to dismiss the Plaintiffs' Complaint, Plaintiffs and the Actavis Defendants stipulate and agree that Plaintiffs shall oppose or otherwise respond to that motion within forty-five (45) days after the date of such motion.
3. If the Actavis Defendants file a motion to dismiss the Plaintiffs' Complaint, Plaintiffs and the Actavis Defendants stipulate and agree that the time for the Actavis Defendants to reply to the opposition by Plaintiffs described in Paragraph 2 above shall be thirty (30) days after the date of such opposition.
4. Plaintiffs and the Actavis Defendants agree that the Actavis Defendants do not waive any Rule 12 defenses by agreeing to this Stipulation.

Dated: April 28, 2014

Respectfully submitted,

/s/ John A. Tarantino

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Albertson's LLC*

**IT IS SO ORDERED:**

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**Honorable William E. Smith, District Judge  
United States Court for the District of Rhode Island**

**DATED:** \_\_\_\_\_